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EXAMINER

BERGER, AUBREY H

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,963

Applicant(s)

BELL ET AL.

Examiner

Aubrey H. Berger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 and 26-32 are pending. Claim 25 is cancelled.
2. The response of 3/13/06 was received and considered.

Response to Arguments

3. Applicant has amended the abstract and specification and therefore those objections are withdrawn.
4. Applicant has amended claims 4, 14, 15, 19, 21 and 32 to overcome the 35 USC §112 rejections, and therefore those rejections are withdrawn.
5. Applicant's arguments, see page 14, with respect to the rejection(s) of claim(s) 1 under 35 USC §102 have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of Ginter et al, U.S. Patent Number 6,948,070.
6. Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection.
7. Regarding applicants arguments with respect to claim 6 (page 15) "The Clearinghouse will not clear bogus requests from unknown or unauthorized parties or requests that do not comply with the content's usage conditions as set by the content proprietors", (col. 10, lines 34-36). Therefore, the usage conditions are stored at the clearinghouse as stated in the rejection below.
8. Applicant's arguments with respect to claims 10-12 have been considered but are moot in view of the new ground(s) of rejection.

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9. Regarding applicants arguments with respect to claim 19 (page 16), Gruse teaches access from each end user is allowed and permissions are set to ensure that end-user devices make only one request for each piece of content purchased, therefore access to multiple copies of the same content is restricted (col. 71, lines 54-60).

10. Applicant's arguments with respect to claims 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 26 and 31 recites the limitation "The system according to claim 25" in line

1. There is insufficient antecedent basis for this limitation in the claim. These claims are believed meant to depend from claim 24 and have been treated accordingly.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-4, 6, 8-9, 13, 15-16, 19-24, 26, 28, and 30-31 are rejected under 35

U.S.C. 103(a) as being unpatentable over Gruse et al., U.S. Patent Number 6,389,538,

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hereinafter "Gruse", and further in view of Ginter et al, U.S. Patent Number 6,948,070, hereinafter "Ginter".

In reference to Claim 1, Gruse discloses a system for administering electronic markets/Secure Digital Content Electronic Distribution System (fig. 1A), which include electronic content/(fig. 1A, #113), the system comprising a connection system (fig. 1A), to permit connection to a communication network (col. 11, lines 35-36), having an electronic server system/content hosting sites (fig. 1D, #111), configured to permit communication among a community of users and for hosting of the electronic markets/electronic digital content stores (stores) (fig. 1B, #100; col. 12, lines 43-54), a distributed administration system/electronic digital content stores.

Gruse lacks or does not expressly disclose wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets. However, Ginter discloses wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets/stores, (Ginter, col. 2, lines 29-41), a set of access permissions/rights management (Gruse, col. 9, line 57), which control access to the electronic markets/stores, wherein the access permissions control which users of the community of users have access to the electronic markets/stores, (Gruse, col. 9, lines 61-64), and a set of usage permissions/rights management, which control usage of content of the electronic markets/stores (Gruse, col. 9, lines 64-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

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the device of Gruse with the device of Ginter to allow the users of the community to have the capability of configuring individual electronic markets in order allow individuals to participate as a content provider which can enhance the revenue of content providers, lower distribution costs and the costs for content, etc., as taught by Ginter (col. 2, lines 3-16).

In reference to Claim 2, Gruse further discloses wherein the electronic markets/stores, have a mixture of at least one of individual users or groups (col. 6, lines 13-14; col. 12, lines 6-8).

In reference to Claim 3, Gruse further discloses wherein the individual users and groups have different usage permissions (col. 10, lines 24-30).

In reference to Claim 4, Gruse further discloses wherein the content is a plurality of different content and each of the content is associated with at least one user group (col. 12, lines 6-8) with permission to manage properties of the content including a capability to change the associated usage permissions or change the markets/stores within which the content appears (col. 12, lines 57-65; col. 13, lines 5-13).

In reference to Claim 6, Gruse further discloses wherein the content (stored at content provider, electronic digital content store, or content hosting site, col. 13, lines 21-24) is stored at a location separate from a location where the access permissions and the

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usage permissions are controlled (stored at clearinghouse, col. 10, lines 4-10; col. 10, lines 21-24).

In reference to Claim 8, Gruse further discloses wherein the electronic market/store, content contains an embedded/watermarked (col. 20, lines 15-20), content identifier (col. 19, lines 62-65 & col. 24, lines 10-14), that identifies the server of the electronic server system/content hosting sites, where the access and the usage permissions are served (col. 24, line 19), wherein the content identifier uniquely identifies the content on the identified server/content provider.

In reference to Claim 9, Gruse further discloses wherein access to decryption keys used to decrypt the content (col. 13, lines 48-55) is controlled through at least one authenticated account on the identified permissions server/clearinghouse (fig. 1C, #105).

In reference to Claim 13, Gruse discloses method for administering electronic markets/Secure Digital Content Electronic Distribution System (fig. 1A), which include electronic products/content (fig. 1A, #113), the method comprising: providing connection to a communication network (col. 11, lines 35-36), having at least one server/content hosting sites (fig. 1D, #111), which permits communication among a community of users hosting at least one electronic market/electronic digital content store (fig. 1B, #100), on the at least one server/content hosting site, providing a set of access permissions/rights

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management (col. 9, line 57), controlling access to the electronic markets/stores, by use of the access permissions/rights management (col. 1, line 57), providing a set of usage permissions/rights management, and controlling usage of products of the electronic markets by the usage permissions (col. 9, lines 64-67) and distributing administration of the electronic markets, wherein each user of the community of users is able to be provided with a capability of administering permissions which control access and usage of the electronic markets and the community of users include end users who are able to be both users of the content and providers of the content.

Gruse lacks or does not expressly disclose wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets. However, Ginter discloses wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets/stores, (Ginter, col. 2, lines 29-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Ginter to allow the users of the community to have the capability of configuring individual electronic markets in order allow individuals to participate as a content provider which can enhance the revenue of content providers, lower distribution costs and the costs for content, etc., as taught by Ginter (col. 2, lines 3-16).

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As per claim 15, this is a method version of the claimed system discussed above in claim 6 wherein all claimed limitations have also been addressed and/or cited as set forth above.

As per claim 16, this is a method version of the claimed system discussed above in claim 7 wherein all claimed limitations have also been addressed and/or cited as set forth above.

In reference to Claim 19, Gruse discloses a method of creating and administering an electronic marketplace/Secure Digital Content Electronic Distribution System (fig. 1A), comprising: forming a network of a community of users electronically interconnected via an electronic communication system/network (col. 11, lines 35-36), the community of users being a subset of users (col. 15, lines 6-10), having access to the electronic communication system/network, logging on by a first user to the network of the community of users creating by the first user an electronic market/electronic digital content store (fig. 1B, #100), (col. 12, lines 56-65), specifying access permissions/rights management (col. 9, line 57), to the market for at least one of other users or groups of the community of users (col. 9, lines 61-67 & col. 71, lines 54-60), distributing administration of the electronic markets, wherein each user of the community of users is able to be provided with a capability of administering permissions which control access and usage of the electronic markets and the community of users include end users who are able to be both users of the content and providers of the content, uploading

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electronic content to the market (col. 12, lines 57-65), creating a unique content identifier identifying the uploaded content storing the content identifier on the server (col. 19, lines 62-65), specifying usage permissions to be associated for the uploaded content (col. 20 lines 9-11), embedding/watermarking (col. 20, line 15), into the content the content identifier of the content and location of a server where the access and usage permissions have been stored and encrypting the content (col. 24, lines 31-33). Gruse lacks or does not expressly disclose wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets. However, Ginter discloses wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets/stores, (Ginter, col. 2, lines 29-41), a set of access permissions/rights management (Gruse, col. 9, line 57), which control access to the electronic markets/stores, wherein the access permissions control which users of the community of users have access to the electronic markets/stores, (Gruse, col. 9, lines 61-64), and a set of usage permissions/rights management, which control usage of content of the electronic markets/stores (Gruse, col. 9, lines 64-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Ginter to allow the users of the community to have the capability of configuring individual electronic markets in order allow individuals to participate as a content provider which can enhance the revenue of content providers, lower distribution costs and the costs for content, etc., as taught by Ginter (col. 2, lines 3-16).

In reference to Claim 20, Gruse further discloses a second user or a group/end-user, log onto a server of the network of community of users, accessing, by the second user or group/end-user, the electronic market/store created by the first user, checking to determine access permissions for the second user or group/end-user, for access to the market/store, (col. 10, lines 43-47), determining access permissions for at least one of the second user and group/end-user, exists checking for at least one of the second user and the group/end-user for access permissions for all content existing in the electronic market (col. 24, lines 25-33), displaying content representations for all content determined to have access permission for at least one of the second user and group/end-user (col. 21, lines 7-9), selecting by the second user or group/end-user, at least one of the content representations (fig. 6; col. 25, lines 15-16; col. 21, lines 10-16), checking to determine whether the second user or group/end-user, has additional access permissions for the selected content (col. 25, lines 24-28) checking whether the second user or group has usage permissions for the selected content, determining the second user or group has access permissions for the selected content, checking whether the second user or group has usage permissions for the selected content, determining the second user or group has the usage permissions for the selected content (col. 26, lines 32-25), displaying the usage permissions and fees associated with the selected content to the second user or group (col. 25, lines 15-16; col. 21, lines 17-19).

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In reference to Claim 21, Gruse further discloses generating a license by encrypting a content key with a user key/symmetric key, and attaching a verification key/public key, (col. 21, line 58; col. 24, lines 25-38), downloading by the second user or group/end user, the content and the license (col. 21, lines 59-61), selecting the encrypted file, by the second user or group/end-user, and invoking operation of a client operating system, checking to determine whether a license does exist (col. 21, lines 62-64), generating, when it is determined a license exists, the content by decrypting a license with the user key/symmetric key, (col. 21, lines 65-67), decrypting content of the content, checking the content with the verification key/public key, invoking interpretation operations, disabling save-as and/or print commands which would permit the second user or group to alter the content, and rendering the content to the second user or group in a readable format (col. 22, lines 18-20).

In reference to Claim 22, Gruse further discloses wherein the content is provided via at least one of an encrypted e-mail message, from a server of the system of community of users, or on a CD ROM (col. 73, lines 16-20; col. 82, lines 1-3).

In reference to Claim 23, Gruse further discloses wherein the step of checking if a license exists determines no license exists (fig. 6), further including, determining the server location and content identifier to exist with the encrypted content (col. 24, lines 10-14), downloading the license for the specified encrypted content (col. 21, lines 59-61), again clicking on the encrypted content; determining a license exists (col. 21, lines

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62-64), generating the content by decrypting the license with the user key/symmetric key, decrypt the content with the content key (col. 21, lines 65-67), check the content with the verification key; invoke the content viewer; disable determined commands of the viewer; and rendering the content to at least one of the second user or group (col. 22, lines 18-20).

In reference to Claim 24, Gruse discloses a system for controlling usage of content comprising (col. 6, lines 8-10), encrypted content that has embedded at least one usage permissions server identifier (stored at clearinghouse, col. 10, lines 4-10; col. 10, lines 21-24), and at least one encrypted content identifier (col. 10, lines 9-11), a reader/end-user player application, on a computer that reads the at least one usage permissions server identifier and the at least one encrypted content identifier (col. 10, lines 34-36), a communication system/network, that communicates the at least one encrypted content identifier (col. 10, lines 19-21), a usage permissions server/clearinghouse, that receives the at least one encrypted content identifier and that permits usage of the at least one encrypted content identified by the at least one encrypted content identifier based on usage permissions associated with the identified content and at least one identified authenticated account associated with the identified permissions server by communicating an electronic key to the computer that communicated to the usage permissions server (fig. 1C), a distributed administration system/electronic digital content stores.

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Gruse lacks or does not expressly disclose wherein any user of the community of users can be provided with a capability of configuring and administering individual ones of the electronic markets. However, Ginter discloses wherein any user of the community of users is able to be provided with a capability of configuring and administering permissions (Ginter, col. 2, lines 29-41), which control access and usage of electronic markets/stores, (Gruse, col. 71, lines 54-60) a viewer or player/end-user player application, that displays or plays the identified encrypted content after using the communicated electronic key to decrypt the identified encrypted content (Gruse, col. 10, lines 34-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Ginter to allow the users of the community to have the capability of configuring individual electronic markets in order allow individuals to participate as a content provider which can enhance the revenue of content providers, lower distribution costs and the costs for content, etc., as taught by Ginter (col. 2, lines 3-16).

In reference to Claim 26, Gruse further discloses wherein the permissions server identifier is a URL (col. 20, lines 50-54), and administration of usage permissions can be done using a web browser that has access to the permissions server through the web (col. 20, line 66-col. 21, line 9).

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In reference to claim 28, wherein permissions for encrypted content are associated with accounts using an object database (col. 14, 7-9).

In reference to claim 30, wherein the encrypted content identifiers are non-location-based URLs (col. 20, lines 49-54).

In reference to claim 31, wherein access permissions include permission to change the locations of electronic content (col. 12, lines 47-50).

15. Claims 5, 7, 14, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse in view of Ginter as applied to claims 1-4, 6, 8-9, 13, 15-16, 19-24, 26, 28, and 30-31 above, and further in view of U.S. Patent Application Publication No. 2002/0016727 to Harrell et al., (Harrell).

In reference to Claim 5, Gruse lacks discloses wherein the content includes information and data stored in a digital format including: pictures, movies, videos, music, programs, multimedia and games, (col. 9, lines 36-39).

Gruse lacks wherein the content includes encrypted electronic document files. Harrell teaches wherein the content includes encrypted electronic document files (page 5, ¶ [0039], lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Harrell to contain encrypted

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electronic document files as content of the electronic market in order to ensure secure transmission of the content and to facilitate the development and transfer of knowledge capital between innovators and developers through the use of marketing document files, as taught by Harrell (page 5, ¶ [0039], lines 17-18 & ¶ [0017]).

In reference to Claim 7, Gruse further discloses wherein selections of certain ones of the access permissions and the usage permissions cause an associated market to be a private market/Intermediate Market Partners (col. 13, line 31 & col. 62, condition #2).

As per claim 14, this is a method version of the claimed system discussed above in claim 5 wherein all claimed limitations have also been addressed and/or cited as set forth above.

As per claim 29, the claimed system is discussed above in claim 5 wherein all claimed limitations have also been addressed and/or cited as set forth above.

16. Claims 10-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse in view of Ginter and further in view of Siegel et al., U.S. Patent Publication Number 2003/0014317, hereinafter Siegel.

In reference to claims 10-12, Gruse discloses a system for administering electronic markets, which include encrypted electronic content (fig. 1B, #103 & fig. 1A, #113).

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Gruse lacks or does not expressly disclose a paper interface to the electronic market that makes use of enhanced barcodes, and allows addition of content to an electronic market, alter permissions of an electronic market, and obtaining content from the electronic market.

However Siegel discloses wherein the paper interface makes use of enhanced barcodes (§[0111]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Gruse with the device of Siegel in order to keep track of products and product inventory as taught by Siegel, (§[0111]).

As per claim 17, this is a method version of the claimed system discussed above in claim 10 wherein all claimed limitations have also been addressed and/or cited as set forth above.

As per claim 18, this is a method version of the claimed system discussed above in claim 12 wherein all claimed limitations have also been addressed and/or cited as set forth above.

17. Claims 27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruse in view of Ginter as applied to claims 1-4, 6, 8-9, 13, 15-16, 19-24, 26, 28, and 30-31 above, and unpatentable over Gruse in view of Ginter, in further view of Harrell as applied to claims 5, 14 and 29, and further in view of U.S. Patent No. 5,968,177 to Batten-Carew et al., (Batten).

In reference to claim 27, Gruse discloses a system for controlling usage of encrypted content (col. 6, lines 8-10). Gruse lacks or does not expressly disclose wherein permissions are managed using a permissions matrix. Batten teaches wherein permissions are managed using a permissions matrix (fig. 1, #42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to manage the permissions disclosed in the system of Gruse with a permission matrix as taught by Batten in order to perform administrative functions including key recovery, key addition, key deletion, policy change, change of an end-user attributes, change of the administrative entities attributes, and authority to change other administrative entities attributes and permission, as taught by Batten (fig. 1, #42).

In reference to claim 32, Gruse as modified above discloses wherein a copy of the encrypted content is stored on the same server as the permissions matrices (Gruse, col. 13, line 21-24).

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Berger whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 6:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHB

Jacques Louis-Jacques
JACQUES LOUIS-JACQUES
PATENT EXAMINER